

**MINUTES OF A REGULAR MEETING OF THE VILLAGE BOARD OF THE VILLAGE OF ISLAND LAKE, LAKE AND MCHENRY COUNTIES, HELD ON THE 10<sup>th</sup> DAY OF FEBRUARY 2005**

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**CALL TO ORDER** Mayor Charles R. Amrich called the meeting to order at 7:32pm. Those present stood and pledged allegiance to the flag.

**ROLL CALL** Roll call indicated the following present: Trustees Eberhard Becker, Sally Fleissner, Deborah Herrmann, Matthew Huff, Thomas Hyde and Thomas Martin.

Also in attendance was Village Attorney Dave LeSueur; Kevin Sutherland, Baxter & Woodman Engineers; Police Chief Don Bero; Commandert Anthony Sciarrone; Frank DeSort, Building Department; Willie Kootstra, Public Works; and Connie Mascillino, EMA Director.

**CORRESPONDENCE:** no correspondence was presented.

**APPROVAL OF MINUTES**

Motion by Trustee Hyde, seconded by Trustee Becker to approve the minutes of January 13 and 27 and February 3 as presented.

Upon roll call, Trustees voted as follows:

AYES: Trustees Becker, Fleissner, Herrmann, Huff, Hyde and Martin

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was declared carried.

**COMMITTEE REPORTS**

**1. BUILDING, ZONING AND ORDINANCE**

Trustee Herrmann read the building report for the month of January. A total of 6 building permits were issued, total permit fees \$655.00, total electrical compliance inspections \$550.00, total rental inspections \$475.00, total ordinance violations \$70.00, total fees collected \$1,750.00.

Motion by Trustee Martin, seconded by Trustee Hyde to approve the BUILDING, ZONING AND ORDINANCE report as presented by Trustee Herrmann. Upon voice vote, motion was unanimously declared carried.

**2. FINANCE AND ADMINISTRATIVE**

Trustee Martin read the Finance & Administrative report for Trustee Fleissner for the month of January. The 2005-06 MCMRMA renewal information was completed, 35 residents have their garbage service suspended due to non payment, John Little is working on the dispatchers retro pay and the budget.

Motion by Trustee Hyde, seconded by Trustee Herrmann to approve the FINANCE AND ADMINISTRATIVE report as presented by Trustee Martin. Upon voice vote, motion was unanimously declared carried.

**3. POLICE AND PUBLIC SAFETY**

Trustee Martin summarized the POLICE AND PUBLIC SAFETY activity report for the month of January. Calls for service totaled 804, criminal offenses 44, criminal arrests 4, ordinance violations 42, traffic citations 204, accident reports written 14, warrants served 3, p-tickets 70 and warning tickets 6. Total monies received from Lake County \$972.12, total McHenry County \$9,524.66, total p-tickets \$1,485.00, NSF fines \$10.00, report copies \$56.25, and miscellaneous fees collected \$2,784.75.

Motion by Trustee Hyde, seconded by Trustee Becker to approve the POLICE AND PUBLIC SAFETY report as presented by Trustee Martin. Upon voice vote, motion was unanimously declared carried.

#### 4. PARKS, RECREATION AND EDUCATION

*Trustee Hyde summarized the Parks, Recreation and Education reports for the month of January:*

*Recreation Department: received a donation from the Island Lake Area Lioness Club of \$48.61 which is the profit from the Winter Wonderland, 201 students are enrolled in the program, current revenue \$6,867.00. The Mother Son bowling event is scheduled for March 13, the Daddy Daughter Dance was held last weekend.*

*Club: total enrollment is 59 children and current revenue \$8,510.00, the department has noted the need to replace the bus for the safety of the children.*

*Creative Playtime: starting a new fundraiser this week, the 2-year old portraits are scheduled on February 25, the classrooms are celebrating Valentine's Day, Regina Schauer from the Wauconda Library has been visiting all of the classrooms, and 2005-06 registration will begin on March 7.*

*Motion by Trustee Martin, seconded by Trustee Herrmann to approve the PARKS, RECREATION AND EDUCATION reports as presented by Trustee Hyde. Upon voice vote, motion was unanimously declared carried.*

#### 5. PUBLIC WORKS

*Trustee Becker summarized the Public Works report for the month of January:*

*Public Works: completed snow and ice control as needed, hauled large quantities of snow from the cul-de-sacs and intersections, repaired pot holes in various parts of town, reviewed property values for liability insurance coverage, reviewed plans for the Prairie Woods development.*

*Parks: opened and closed the sledding hill and ice skating rink as needed, removed Christmas decorations, completed minor work in the Veterans Park beach house, working on preparing a cost evaluation for the Veterans Park beach house.*

*Water Department: shoveled out fire hydrants throughout town, flushed dead end hydrants, completed water meter reading re-checks, researched PVC water main, met with Kemper Valve regarding a water main easement for future projects.*

*Motion by Trustee Martin, seconded by Trustee Hyde to approve the PUBLIC WORKS report as presented by Trustee Becker. Upon voice vote, motion was unanimously declared carried.*

#### 6. ECONOMIC DEVELOPMENT

*The Economic Development Committee met on January 21 to discuss architectural standards for the business district.*

*Motion by Trustee Hyde, seconded by Trustee Martin to approve the ECONOMIC DEVELOPMENT for the month of January. Upon voice vote, motion was unanimously declared carried.*

#### **CONSENT AGENDA**

*Items for approval: Ordinance No. 1249-05 Amending Board of Trustees, Regular and Committee Meetings, Salvation Army Annual Donut Days June 3 & 4, Waiver building permit fees for LYAA concession building on village hall grounds, carry over of 65.9 hours of comp time and 1 vacation day to 2005 for John Little, Wauconda School District 118 "Show Them What You Know" Proclamation, Wauconda School District 118 "Show Them What You Know" banner at Converse Park, Island Lake Area Lioness Club use of the village hall fields for the Annual Al Schmidt Easter Egg Hunt, \$100.00 contribution to the Island Lake Area Lioness Club for the Annual Al Schmidt Easter Egg Hunt, and approve the payment of bills as follows: General Fund \$169,643.80, Water Fund \$20,524.83, and Manual Checks: \$2,980.91 for a total of all funds \$193,149.54.*

*Mayor Amrich informed the room that he has been Chairman of the Salvation Army Donut Days for the last 27 years and pointed out that all monies collected stay in the community. He asked that anyone interested in donating an hour or two to collect donations to contact him.*

Trustee Hyde introduced "Show Them What You Know" committee members Laura Beltchenko from Wauconda School District 118 and Sharon Hyde and explained the importance of the testing campaign to the school district. Trustee Hyde read the complete Proclamation and noted that the school district noticed an improvement in testing scores last year and credit that improvement to the "Show Them What You Know" campaign.

Motion by Trustee Hyde, seconded by Trustee Martin to approve the Consent Agenda Items as presented.

Upon roll call, Trustees voted as follows:

AYES: Trustees Becker, Fleissner, Herrmann, Huff, Hyde and Martin

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was declared carried.

### **AGENDA ITEMS**

1. Ordinance No. 1250-05 Berthold, 108 Janet Drive, front and sideyard setback variations for existing room addition:

Attorney Jim Kaiser explained the side yard and front yard setback request.

Motion by Trustee Martin, seconded by Trustee Becker to approve Ordinance No. 1250-05 Berthold, 108 Janet Drive for front and sideyard setback variations for the existing room addition as presented.

Attorney LeSueur pointed out that the relief sought does not match the recommendation of the Zoning Board of Appeals. The ZBA did not approve the 1' side yard variation on the west side of the lot line on the grounds that it is a legal non-conforming use. Attorney Kaiser pointed out that the west side of the residence is the existing residence and not the room addition.

Trustee Martin amended his motion to include the deletion of the west side setback variation. Trustee Hyde seconded the amended motion.

Upon roll call, Trustees voted as follows:

AYES: Trustees Becker, Fleissner, Huff, and Hyde

NAYS: Trustees Herrmann and Martin

ABSENT: None

ABSTAIN: None

Motion was declared carried.

2. Ordinance No. 1251-05 Monforte Resubdivision, Lot 4 sideyard variances:

Motion by Trustee Huff, seconded by Trustee Herrmann to approve Ordinance No. 1251-05 Monforte Resubdivision Lot 4, sideyard variances as presented.

Upon roll call, Trustees voted as follows:

AYES: Trustees Becker, Fleissner, Herrmann, Huff, Hyde and Martin

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was declared carried.

3. Ordinance No. 1252-05 Monforte Resubdivision, Lots 1 & 2, zoning change from B2 to B1:

Attorney Kaiser explained that the zoning change request was recommended by the Building Department and suggested the board vote on each lot separately.

*Motion by Trustee Hyde, seconded by Trustee Huff to approve Ordinance No. 1252-05 Monforte Resubdivision, Lot 2, zoning change from B2 to B1 subject to include a 12' easement approval for the proposed bike trail route as presented. Attorney Kaiser pointed out that he is not representing his client on the easement request, but is under the assumption that he is amendable to the request.*

*Upon roll call, Trustees voted as follows:*

*AYES: Trustees Becker, Herrmann, Huff, Hyde and Martin*

*NAYS: Trustee Fleissner*

*ABSENT: None*

*ABSTAIN: None*

*Motion was declared carried.*

*Motion by Trustee Hyde, seconded by Trustee Huff to approve Ordinance No. 1252-05 Monforte Resubdivision, Lot 1, zoning change from B2 to B1 subject to include a 12' easement approval for the proposed bike trail route as presented. Attorney Kaiser pointed out that Mrs. Monforte is not agreeable at this time to the easement request due to the limited access for the property and the future plans of IDOT for road widening of Route 176. She is open for discussion on the matter. Attorney Kaiser and Trustee Hyde discussed various options for the property. Trustee Martin questioned the legality of requiring the easement in the motion. Attorney Kaiser pointed out that the zoning change does not change the component of the use.*

*Upon roll call, Trustees voted as follows:*

*AYES: Trustees Becker, Herrmann, Huff, Hyde and Martin*

*NAYS: Trustee Fleissner*

*ABSENT: None*

*ABSTAIN: None*

*Motion was declared carried.*

*4. Ordinance No. 1253-05 Monforte Resubdivision, Lot 5 lot size variance:*

*Motion by Trustee Huff, seconded by Trustee Hyde to approve Ordinance No. 1253-05 Monforte Resubdivision, Lot 5 lot size variance as presented.*

*Mayor Amrich pointed out that prior to the illegal subdivision the property was in compliance.*

*Upon roll call, Trustees voted as follows:*

*AYES: Trustees Becker, Fleissner, Herrmann, Huff, Hyde and Martin*

*NAYS: None*

*ABSENT: None*

*ABSTAIN: None*

*Motion was declared carried.*

*5. Ordinance No. 1254-05 Monforte Resubdivision, Lot 4 Special Use for a vehicle repair facility and apartment building:*

*Motion by Trustee Martin, seconded by Trustee Becker to approve Ordinance No. 1254-05 Monforte Resubdivision, Lot 4 Special Use for a vehicle repair facility and apartment building as presented.*

*Upon roll call, Trustees voted as follows:*

*AYES: Trustees Becker, Fleissner, Herrmann, Huff, Hyde and Martin*

*NAYS: None*

*ABSENT: None*

*ABSTAIN: None*

*Motion was declared carried.*

*6. Amended Bike & Walking Trail Plan of the Comprehensive Plan:*

*Motion by Trustee Fleissner, seconded by Trustee Martin to approve the Amended Bike & Walking Trail Plan of the Comprehensive Plan as presented.*

*Upon roll call, Trustees voted as follows:*

AYES: Trustees Becker, Fleissner, Herrmann, Huff, Hyde and Martin  
NAYS: None  
ABSENT: None  
ABSTAIN: None

*Motion was declared carried.*

**7. LYAA 5-Year Field Usage Agreement:**

*Motion by Trustee Fleissner, seconded by Trustee Martin to approve the LYAA 5-Year Field Usage Agreement as presented.*

*Upon roll call, Trustees voted as follows:*

AYES: Trustees Becker, Fleissner, Herrmann, Huff, Hyde and Martin  
NAYS: None  
ABSENT: None  
ABSTAIN: None

*Motion was declared carried.*

**8. Traffic violation enforcement Ordinance:**

*Motion by Trustee Huff, seconded by Trustee Fleissner to table the Traffic violation enforcement Ordinance to the March 10 board meeting as presented.*

*Upon roll call, Trustees voted as follows:*

AYES: Trustees Becker, Fleissner, Herrmann, Huff, Hyde and Martin  
NAYS: None  
ABSENT: None  
ABSTAIN: None

*Motion was declared carried.*

**9. Amending Air Pollution, Noise Control Ordinance:**

*Motion by Trustee Martin, seconded by Trustee Herrmann to approve Amending the Air Pollution, Noise Control Ordinance as presented.*

*Upon roll call, Trustees voted as follows:*

AYES: Trustees Becker, Fleissner, Herrmann, Huff, Hyde and Martin  
NAYS: None  
ABSENT: None  
ABSTAIN: None

*Motion was declared carried.*

**10. Tree Preservation Ordinance:**

*Motion by Trustee Martin, seconded by Trustee Herrmann to approve the Tree Preservation Ordinance as presented.*

*Upon roll call, Trustees voted as follows:*

AYES: Trustees Becker, Fleissner, Herrmann, Huff, Hyde and Martin  
NAYS: None  
ABSENT: None  
ABSTAIN: None

*Motion was declared carried.*

**ITEMS FROM THE MAYOR**

- A revised Local Union 150 contract has been distributed to all board members for review. Mayor Amrich asked board members to submit their comments or questions to him or Trustee Fleissner
- The public hearing with the Plan Commission and Zoning Board of Appeals for annexation of the Lyle Matthews property for a proposed middle school for Wauconda School District 118 is scheduled for February 24 in Al Schmidt Hall. The district will provide chairs and a public address system.

**ITEMS FROM THE TRUSTEES AND DEPARTMENT HEADS:**

Trustee Martin:

- Will be meeting with Chief Bero and Chief Dato from the Wauconda Fire Department to discuss radio system needs for the department.
- The vehicle maintenance program and the lift purchase will be discussed for budget purposes.
- The “lag time” fees discussion for the Wauconda School District will continue on Monday. They would like to get Lakemoor involved in the discussions.

Trustee Herrmann:

- Asked when budget discussion meetings will begin. Trustee Fleissner stated that John Little is coordinating budget preparation with the department heads. They are to submit their wishes to him and once that is completed a meeting will be scheduled. Trustee Herrmann stated that John Little had targeted March 1 as a completion date and it does not look like that will be achieved. Trustee Fleissner stated that they had also asked John to put together a budget proposal based on a population of 15,000. A Finance & Administrative Committee budget meeting was scheduled for February 21 at 7:00pm.

Brought up the conceptual downtown plan Trustee Martin had worked on and voiced her concern with the \$2,000.00 engineer expense without board approval and the fact that the board did not have any knowledge of the plan. She contacted engineer Don Thomas for more information. Her concern is that the money was put out without board approval or the board even knowing. She has received the sketches of the plans. Trustee Martin stated that he had given the plans to Clerk Becker. Trustee Martin stated that Trustee Huff was aware of the plan. Discussion took place over the purpose and concept of Resolution 506-04 which puts forth guidelines for expenditures and approval requirements by the board. Trustee Huff stated that the point Trustee Herrmann is making is that they do not have a problem with the plans, but they feel like Trustee Martin is off doing his own thing without any communication with the board. Trustee Martin asked how many times Trustee Huff has had Economic Development Committee meetings in the last two years and how many Economic Development Committee meeting minutes have been turned into Clerk Becker. Trustee Huff stated that the point is it was not taken through committee. Trustee Martin stated that Trustee Huff did not respond to his e-mails or calls. Trustee Martin stated that the engineer expenditure was not a capital expenditure; the purpose of the resolution was for capital expenditures. Every board member has the right to talk to the engineers or attorneys. Trustee Herrmann asked why the plans were not presented to the board. Trustee Martin stated that the plans are very preliminary, he talked to the engineers about the plan and that was as far as it has gone. He brought the plans to the Economic Development Committee during a meeting. Trustee Martin stated that he went forward on the concept plan as his right as a Trustee, he conversed with the engineers on the plan just as any other Trustee has the right. Discussion turned over to the costs associated with the proposed bike trail. Mayor Amrich stated that there are times when board members contact the engineers or the attorneys on different matters. Trustee Herrmann stated that the board knows about the bike trail. Mayor Amrich stated that the board has never approved the engineering or attorney fees that have been spent on the trail route. Trustee Hyde stated that they have not spent anything on the bike trail yet. Trustee Fleissner pointed out that money has been spent on attorney fees for review of the bike trail. Trustee Huff stated that the board agreed that on a \$500.00 spending limit; anything over would be discussed with the board. Trustee Martin stated that he was not aware of the cost. Mayor Amrich suggested the Economic Development Committee schedule a meeting to discuss the matter.

Trustee Becker: Rooney Consultants has completed the engineering plans for the CDBG2004 project. Neal DeYoung has scheduled a bid notice for February 21, bid opening on April 4 and a project start date of May 5.

*Willie Kootstra: Received a report from MCMRMA regarding loss control if any board members would like to review it.*

*Kevin Sutherland: the sanitary sewer extension for the Crystal Valley RV project, Contract A for Berger Excavating, is still open. The sanitary district oversaw construction and the village funded the extension therefore any type of change order must go through the village. The punchlist has been completed. The contractor is seeking a couple of extras that to this point Baxter & Woodman has denied. They have referred the contractor to the village for the extras. Mayor Amrich stated that the board stands behind the engineer's recommendation. One of the items in question was the entrance sign for the Waters Edge development. The other item is related to an extra manhole that was put in as a result of an unapproved change by the contractor. Attorney LeSueur informed the board that this matter was discussed at the sanitary district meeting and they deferred the decision to the village. Kevin will notify the contractor that the village supports the engineer's comments and declined to take further action.*

*Commander Sciarrone: The Chiefs of Police met with MCMRA on Tuesday; liability issues were brought up. A letter will be sent to Trustee Martin. The weapons simulator has been repaired.*

*Chief Bero: traffic enforcement on Dowell Road continues.*

*Connie Mascillino: has completed the memorandum of understanding with the Red Cross. Two EMA members are attending the Lake County Mitigation Planning meeting which make Lake County eligible for disaster relief funds.*

*Motion by Trustee Martin, seconded by Trustee Huff to open the meeting to the floor. Upon voice vote, motion was unanimously declared carried.*

*Don Riddel, 2685 Kingston Drive: stated that the water level in the wetlands on the Prairie Woods property has gone up considerably. Mr. Riddell asked if JS James is obligated to manage some of the problems in advance of construction. Kevin Sutherland stated that they are required to install the stormwater detention and soil and erosion measures before anything is started. Discussion took place over the beaver dams. Kevin will contact the developer tomorrow morning. Trustee Herrmann stated that the water level of the creek is high and there is a dam in the privately owned seven acre lake.*

*Donald Saville, 608 Burr Oak Lane: asked for some clarification on some matters regarding the Local 150 Union. Who originally called the union in, the grievance and the number of employees included in the union. Mayor Amrich informed him that several years ago step raises were removed. Mr. Saville asked if any managers are included in the contract and how many managers are employed by the village. He recalled an earlier statement that the village would save money on the health insurance costs and asked about coverage for the managers who are not included in the union. Mayor Amrich stated that the union has provisions to include Willie Kootstra in the health insurance program. Trustee Hyde asked if Neal DeYoung or John Little are considered managers. He stated that basically every full time employee is included in the union with the exception of one. Mayor Amrich stated that Willie is not included and Chief Bero is not included in the Police Union. Mr. Saville is asked if Trustee's Becker and Martin's wives are currently included in the family health plan with the village. Trustee Becker stated that he has a health plan through his employer. The reason he is asking is that when it comes time to vote on the contract he feels that they have a personal interest in the outcome. This is something that has always bothered him. Mayor Amrich also has an interest because he has a brother in law employed at Public Works. Mayor Amrich is also one of the negotiators for the contract. He feels that Trustees Becker, Martin and Mayor Amrich should be excluded from voting. He feels that the vote would be tainted because they have a personal interest in the outcome. Mayor Amrich stated that the issue did come up during negotiations and he has asked for a legal opinion from the union attorney and is waiting for a written response which he will share with Mr. Saville.*

*Cheryl Deaver, 712 Dartmouth Drive: asked if it is safe to say that the board members in question don't take part in the benefits because they receive benefits from their employers. Trustee's Becker and Martin both stated that they have health insurance through their employers.*

*Attorney LeSueur stated that salaries are not considered a conflict of interest. This issue has been addressed by the courts and they have said that it does not constitute a conflict. A voting member is not required to recuse themselves from the vote. Full benefits to spouses of board members are not imputed to board members. He does not have an answer to the health insurance benefit question. Trustee Huff stated that he feels that the residents of Island Lake have the final say on whether it is acceptable or not.*

*Motion by Trustee Fleissner, seconded by Trustee Martin to bring the meeting back to the board. Upon voice vote motion was unanimously carried.*

*There being no further business, motion by Trustee Fleissner, seconded by Trustee Martin to adjourn the meeting. Upon voice vote, motion was unanimously declared carried. Meeting was adjourned at 9:07 pm.*

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*Christine Becker, Village Clerk*